

UNITED STATES DISTRICT COURT

DEC 2 2015

for the
District of New MexicoMATTHEW J. DYKMAN
CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

SEE ATTACHMENT "A"

Case No.

15mr802

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT "A"

located in the _____ Judicial _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C Section 1961-1968
18 U.S.C. Section 1959(a)

Offense Description
Racketeering Influenced and Corrupt Organization (RICO) Conspiracy;
Violent Crime in Aid of Racketeering (VICAR) Murder, Attempted Murder and
Conspiracy to Commit Murder.

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Bryan Acee, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

December 2, 2015

Judge's signature

City and state: Albuquerque, New Mexico

Karen B. Molzen, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Bryan Acee, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search certain premises and persons; further described in Attachment A (A1-A8), for the persons and evidence described in Attachment B. This affidavit seeks a search warrant to obtain evidence of violations of 18 U.S.C. § 1961-1968 Racketeer Influenced and Corrupt Organizations ("RICO") Conspiracy and 18 U.S.C. § 1959(a) Violent Crime in Aid of Racketeering ("VICAR"), among other violations.

PURPOSE OF AFFIDAVIT

2. This affidavit seeks a warrant to allow the Federal Bureau of Investigation ("FBI") and local law enforcement officers to enter the Subject Premises to execute arrest warrants on several members and associates of the Syndicato de Nuevo Mexico Gang ("SNM Gang"). The SNM Gang is New Mexico's largest and most violent gang. The Subject Premises and probable cause to believe that the Defendants (the "TARGET SUBJECTS") may be found at the specified locations are more fully detailed in the paragraphs that follow. The Subject Premises are described in Attachment A (A1-A8).

3. This affidavit also seeks a warrant to allow FBI agents executing arrests of the TARGET SUBJECTS to search the bodies of the TARGET SUBJECTS for tattoos evidencing membership in or association with the SNM Gang, to include the 14th Street Gang, 18th Street Gang, Westside Gang, and affiliated New Mexico street gangs, and to photograph those tattoos in the way described herein:

a. Law enforcement may search for tattoos above the waist and below mid-thigh (only male TARGET SUBJECTS will be searched for tattoos).

Background of Affiant

4. I have been a law enforcement officer for approximately 17 years and am currently employed as a Special Agent with the FBI. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). Prior to becoming a Special Agent with the FBI, I was a police officer and detective. As an FBI Special Agent, I primarily investigate Mexican drug trafficking organizations and gang/criminal enterprises. I have received in excess of 700 hours of formal training in the area of gangs and drug investigations from the FBI, Drug Enforcement Administration, California Highway Patrol, Los Angeles Police Department, and California Department of Justice. I have served as a law enforcement instructor and presenter on drug and gang

investigations at the California Highway Patrol, Los Angeles Police Department, New Mexico State Police and Bernalillo County Sheriff's Department academies, as well as at training classes and seminars for the California Narcotic Officers Association, California Gang Investigators Association, New Mexico Gang Task Force, New Mexico State University and University of New Mexico.

5. Since 1998, as both the case agent and as a supporting agent, I have participated in hundreds of investigations of drug distribution, firearms trafficking, money laundering and gang/criminal enterprises. My investigative experience includes, but is not limited to, conducting surveillance, interviewing subjects, targets and witnesses, writing affidavits for and executing search and arrest warrants, acting in an undercover capacity, supervising cooperating sources, managing undercover agents, issuing subpoenas, analyzing phone records, financial records, telephone tolls, and Title III (wiretap) investigations. Through my training and experience, I am familiar with the methods and means used by individuals, drug trafficking organizations and gang/criminal enterprises to purchase, transport, store, and distribute controlled substances. I am also familiar with how those individuals and organizations hide the often substantial profits generated from their criminal activities. I have qualified on numerous occasions as an expert witness in federal and state courts on

drug trafficking and have qualified in federal court as an expert on the Juarez Drug Cartel.

Introduction to the Investigation of the SNM Gang

6. I am the lead investigator, and am assigned as the case agent for the investigation of the SNM Gang that operates within the District of New Mexico and elsewhere. The SNM Gang is the largest and most violent gang in New Mexico. Although the SNM Gang has historically been on law enforcement radar, the current investigation began in early 2015 when leaders of the SNM Gang called for the murder of two high ranking administrators within the New Mexico Corrections Department ("NMCD"). The investigation has involved the interception of multiple wire communications, recorded conversations by confidential human sources and undercover agents, and a historical review of crimes committed by the SNM Gang, dating back to the mid-1980s.

7. During the course of this investigation, the FBI utilized multiple confidential human sources (hereinafter "CHS" for both plural and singular) and undercover agents to conduct approximately 50 controlled narcotics and firearms purchases from SNM Gang members and associates. CHS and undercover agents used covert recording devices during meetings and discussions with SNM Gang members and associates to capture conversations pertaining to gang related homicides, assaults, drug distribution and other gang business.

8. To date, the investigation has yielded evidence of SNM Gang members participating in more than two-dozen homicides, numerous attempted murders and aggravated assaults, as well as armed robbery, drug trafficking, and other felony crimes that are being investigated as violations of 18 U.S.C. § 1961-1968 RICO Conspiracy and 18 U.S.C. § 1959(a) VICAR Murder, Attempted Murder and Conspiracy to Commit Murder.

9. During the course of the investigation, I extended my knowledge about the membership and culture of SNM Gang through discussions with CHS, cooperating defendants, undercover agents, gang task force investigators, and the NMCD's Security Threat Intelligence Unit ("STIU"), which monitors SNM Gang members throughout the state's prison and parole/probation systems. Multiple cooperating defendants and CHS have provided information about the organizational structure of the SNM Gang. Some of the information I have learned about the SNM Gang follows:

10. The SNM Gang was formed in the early 1980s at the Penitentiary of New Mexico after a prison riot in February, 1980. During the prison riot, twelve correctional officers were taken hostage and several of them were seriously assaulted and raped by inmates. Thirty three inmates were killed during the riot and more than two hundred were injured.

11. Following the prison riot, the SNM Gang expanded

throughout the New Mexico penal system and has been comprised of as many as 500 members since the early 1980s. The SNM Gang is comprised of approximately 250 members presently, who are known as "hermanos," "brothers," "carnales," "dons," "jefes," "big hommies," or "Zia manos."

12. Despite being imprisoned and closely scrutinized by prison officials, SNM Gang leaders still manage to convey their orders to gang members and associates throughout the prison system and outside the prison system through a variety of means, including contraband cellular telephones, secret notes, called "kites," or "welas," coded letters, and messages conveyed by complicit visitors. When SNM Gang members or associates complete their sentences and rejoin their communities, they are expected to remain loyal to the SNM Gang and work to further the goals of the SNM Gang outside the prison environment. One of the significant goals of the SNM Gang is to control and profit from narcotics trafficking inside the penal system and on the street.

13. In addition to exerting its control in the New Mexico penal system, the SNM Gang also operates on the streets of New Mexico by intimidating and influencing smaller New Mexico Hispanic gangs for the purpose of establishing a larger network for the SNM's illegal activities. If a gang does not accede to the SNM Gang, the SNM Gang will assault or kill the gang's

members who are not in custody as well as those members who are incarcerated within the New Mexico penal system. In addition to intimidation through direct assaults, the SNM Gang is also able to assert control and influence over gang members outside the penal system because gangs do not want their members outside the penal system to be assaulted or killed, and because the gang members know that, if they are incarcerated, they may need the protection of the SNM Gang while they serve their sentences.

14. The SNM Gang has been and continues to be engaged in a fierce and violent war with rival prison gangs, to include the Barrio Azteca, Los Carnales, and California Sureños gangs. Within the prison system, this rivalry manifests itself in beatings and stabbings, which often result in death. Outside the prison system, the SNM Gang fights for control of territory in which to conduct narcotics trafficking and other crimes, as well as to recruit and influence non-gang members. In addition to fighting for control over numerous illegal activities and using violence and terror for the purpose of enriching themselves, the SNM Gang also engages in violence simply to assert gang identities, to claim or protect territory, to challenge or respond to a challenge, to retaliate against a rival gang or member, to gain notoriety and show their superiority over others and to send a message to others that they are strong, powerful and not to be provoked.

15. The SNM Gang needs to have a reputation for being strong and powerful and must maintain membership to continue functioning as an organization on the streets. If the SNM Gang were perceived as being weak, then rival gangs would challenge and assault its members and take over its territory. This could cause the gang to lose membership and eventually dissolve. If the SNM Gang maintains a large membership and a reputation for being strong, powerful and dominant, rival gangs will think twice before they challenge it and victims/witnesses will think twice about assisting authorities with any prosecution attempt against it. This allows the gang to grow in strength, thrive in its criminal activity, and dominate its territory. A member of the SNM Gang is expected to seek out and beat, stab, and shoot rival gang members. Similarly, a member of the SNM Gang is expected to confront and attack suspected law enforcement informants, cooperating witnesses and sex offenders.

16. SNM Gang members identify themselves with the Zia symbol and the letters "SNM" or "S", which represent the "Syndicato de Nuevo Mexico" or "Syndicato" which is Spanish for Syndicate. SNM Gang members also utilize the number "19," which represents the 19th letter of the alphabet, "S" and "505," which corresponds with the area code for the greater Albuquerque area. The SNM Gang claims the entire state of New Mexico as its territory, which is broken up into four

geographical regions: North, South, East and West. As with the numbers "19," and "505," the letters "S" or "SNM," the Zia symbol, the Peacock bird, and the Spanish word "Syndicato" are commonly, but not exclusively, displayed by SNM Gang members in tattoos, graffiti, drawings, and on clothing, as a way of displaying their affiliation, loyalty, and commitment to the gang.

17. I know that SNM members and associates use tattoos to identify themselves as members of, and display their association with, the SNM criminal enterprise. SNM members also wear tattoos that reflect their respective cliques (or the street gangs they started in), which include the 14th Street Gang, 18th Street Gang, Westside Gang, and affiliated New Mexico street gangs. SNM members and associates also often have tattoos that reflect their monikers, or nicknames, some of which are secretive and kept from law enforcement and the public.

18. I am aware that SNM members frequently commit "branded" criminal acts, in other words, they commit crimes in the name of the gang. Examples of branded criminal acts include: gang members shouting references to SNM before or during a crime; gang members demanding property or services because of their membership; and gang members killing or attempting to kill members of rival gangs. SNM members have been known to kill or attempt to kill law enforcement officers, as well.

19. I am aware that SNM Gang members operate under a "blood in, blood out" rule that prohibits them from leaving the gang unless they are assaulted (i.e., "jumped out") or killed.

20. I am also aware that SNM Gang members are forbidden to speak with law enforcement officials and to do so may result in the SNM Gang member's violent death at the hands of his fellow gang members; as was the case on multiple occasions in this investigation.

21. In summary, I believe the SNM Gang exists solely to commit racketeering acts and criminal activity.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

22. On December 1, 2015, the federal Grand Jury in Albuquerque, New Mexico, returned multiple, sealed indictments on the TARGET SUBJECTS for the violations listed below. Some of the criminal acts referenced in this affidavit were also included in the Indictments. A copy of the Indictments will be provided to the court in a sealed envelope at the same time this warrant is presented and are incorporated by reference as if attached hereto.

23. The majority of the TARGET SUBJECTS are validated SNM Gang members, while others are suspected members and/or associates of the gang. At the time of arrest, agents will attempt to interview the TARGET SUBJECTS about their affiliation with the SNM Gang. Furthermore, agents will observe and

photograph TARGET SUBJECTS' tattoos in an effort to discern and document their gang affiliation.

24. The following TARGET SUBJECTS are validated SNM Gang members and were charged with the following criminal offenses in the Indictments¹:

- a) JAVIER ALONSO
 - 1) 18 USC § 1959(a) (5) - Conspiracy to Murder
 - 2) 18 USC § 1959(a) (1) - Murder
- b) GERALD ARCHULETA
 - 1) 18 USC § 1959(a) (6) - Conspiracy to Commit an Assault with a Dangerous Weapon
- c) JERRY ARMENTA
 - 1) 18 USC § 1959(a) (5) - Conspiracy to Murder
 - 2) 18 USC § 1959(a) (1) - Murder
- d) ANTHONY RAY BACA
 - 1) 18 USC § 1959(a) (5) - Conspiracy to Murder
 - 2) 18 USC § 1959(a) (1) - Murder
 - 3) 18 USC § 2 - Aiding and Abetting
 - 4) 18 USC § 1959(a) (6) - Conspiracy to Commit an Assault with a Dangerous Weapon
 - 5) 18 USC § 1959(a) (5) - Conspiracy to Murder
 - 6) 18 USC § 1959(a) (5) - Conspiracy to Murder
- e) DAVID CALBERT
 - 1) 18 USC § 1959(a) (6) - Conspiracy to Commit an Assault with a Dangerous Weapon
 - 2) 18 USC § 1959(a) (3) - Assault with a Deadly Weapon Resulting in Serious Bodily Injury
- f) CHRISTOPHER CHAVEZ
 - 1) 18 USC § 1959(a) (1) - Murder
 - 2) 18 USC § 2 - Aiding and Abetting
- g) BENJAMIN CLARK
 - 1) 18 USC § 1959(a) (5) - Conspiracy to Murder
 - 2) 18 USC § 1959(a) (1) - Murder
 - 3) 18 USC § 2 - Aiding and Abetting

¹ Refer to the Indictments for a full listing of criminal charges for each defendant.

h) ANGEL DELEON

- 1) 18 USC § 1959(a)(1) - Murder
- 2) 18 USC § 2 - Aiding and Abetting

i) JOE GALLEGOS

- 1) 18 USC § 1959(a)(1) - Murder
- 2) 18 USC § 2 - Aiding and Abetting

j) ARTURO ARNULFO GARCIA

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(1) - Murder
- 3) 18 USC § 2 - Aiding and Abetting

k) BILLY GARCIA

- 1) 18 USC § 1959(a)(1) - Murder
- 2) 18 USC § 2 - Aiding and Abetting
- 3) 18 USC § 1959(a)(1) - Murder
- 4) 18 USC § 2 - Aiding and Abetting

l) RUBEN HERNANDEZ

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(1) - Murder
- 3) 18 USC § 2 - Aiding and Abetting

m) LEONARD LUJAN

- 1) 18 USC § 1959(a)(1) - Murder
- 2) 18 USC § 2 - Aiding and Abetting
- 3) 18 USC § 1959(a)(1) - Murder
- 4) 18 USC § 2 - Aiding and Abetting

n) EUGENE MARTINEZ

- 1) 18 USC § 1959(a)(1) - Murder
- 2) 18 USC § 2 - Aiding and Abetting

o) ROBERT MARTINEZ

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(3) - Assault with a Deadly Weapon
Resulting in Serious Bodily Injury
- 3) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 4) 18 USC § 1959(a)(5) - Conspiracy to Murder

p) ROY PAUL MARTINEZ

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(5) - Conspiracy to Murder

q) TIMOTHY MARTINEZ

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(1) - Murder
- 3) 18 USC § 2 - Aiding and Abetting

r) JERRY MONTTOYA

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(1) - Murder
- 3) 18 USC § 2 - Aiding and Abetting

s) ALLEN PATTERSON

- 1) 18 USC § 1959(a)(1) - Murder
- 2) 18 USC § 2 - Aiding and Abetting

t) MARIO RODRIGUEZ

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(3) - Assault with a Deadly Weapon
Resulting in Serious Bodily Injury
- 3) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 4) 18 USC § 1959(a)(1) - Murder

u) DANIEL SANCHEZ

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(1) - Murder

v) EDWARD TROUP

- 1) 18 USC § 1959(a)(1) - Murder
- 2) 18 USC § 2 - Aiding and Abetting
- 3) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 4) 18 USC § 1959(a)(1) - Murder
- 5) 18 USC § 2 - Aiding and Abetting

w) MAURICIO VARELA

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 18 USC § 1959(a)(1) - Murder
- 3) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 4) 18 USC § 1959(a)(3) - Assault with a Deadly Weapon
Resulting in Serious Bodily Injury

x) CONRAD VILLEGAS

- 1) 18 USC § 1959(a)(6) - Conspiracy to Commit an Assault
with a Dangerous Weapon

y) MIGUEL ANDREW GALLEGOS

- 1) 18 USC §§ 922(g)(1), 924(a)(2) - Felon Possess Firearm

z) ERIC HAYWARD HARRISON

- 1) 18 USC §§ 922(g)(1), 924(a)(2) - Felon Possess Firearm
- 2) 21 USC §§ 841(a)(1), (b)(1)(C) - Drug Distribution
- 3) 18 USC § 924(c) - Armed Drug Distribution

aa) CHRISTOPHER GARCIA

- 1) 18 USC § 1959(a)(5) - Conspiracy to Murder
- 2) 21 USC §§ 841(a)(1), (b)(1)(C), (b)(1)(B)
- Drug Distribution

bb) MATTHEW MARTINEZ

- 1) 21 USC §§ 841(a)(1), (b)(1)(C), (b)(1)(C), (b)(1)(C)
- Drug Distribution

25. The following TARGET SUBJECTS are suspected SNM Gang associates, and/or affiliated with local street gangs that are aligned with the SNM Gang, and were charged with the following criminal offenses in the Indictments²:

cc) TAMMY LIEBERG

- 1) 18 USC §§ 922(g)(1), 922(g)(3), 924(a)(2) -
Prohibited Person in Possession of a Firearm

dd) GABRIEL SANDOVAL

- 1) 21 USC §§ 841(a)(1), (b)(1)(C), (b)(1)(C) - Drug Distribution
- 2) 18 USC §§ 922(g)(1), 922(g)(3), 924(a)(2) -
Prohibited Person in Possession of a Firearm

ee) JOHNNY RAMIREZ

- 1) 21 USC §§ 846, 841(a)(1), (b)(1)(B), (b)(1)(C),
(b)(1)(B), (b)(1)(C), (b)(1)(B) - Drug Distribution
and Conspiracy to Distribute.

ff) LARRY VALADEZ

- 1) 21 USC §§ 846, 841(a)(1), (b)(1)(B), (b)(1)(C),
(b)(1)(B), (b)(1)(C), (b)(1)(C) - Drug Distribution
and Conspiracy to Distribute.

gg) RAMON PHILLIP BACA

- 1) 21 USC §§ 841(a)(1), (b)(1)(C) - Drug Distribution

² Refer to the Indictments for a full list of criminal charges for each defendant.

- hh) FRANCISCO PADILLA
1) 18 USC §§ 922(g)(1), 924(a)(2) - Felon Possess Firearm
- ii) VINCENT MARTINEZ
1) 18 USC §§ 922(g)(1), 924(a)(2) - Felon Possess Firearm
- jj) BENJAMIN SANCHEZ
1) 18 USC §§ 922(g)(1), 924(a)(2) - Felon Possess Firearm
- kk) AMANDA CHAVEZ
1) 18 USC §§ 922(g)(1), 924(a)(2) - Felon Possess Firearm

26. Several of the TARGET SUBJECTS are presently in the custody of the NMCD³ at various prison facilities around the state, to include: JAVIER ALONSO, JERRY ARMENTA, ANTHONY RAY BACA, DAVID CALBERT, BENJAMIN CLARK, LEONARD LUJAN, ROBERT MARTINEZ, ROY PAUL MARTINEZ, TIMOTHY MARTINEZ, JERRY MONTOYA, MARIO RODRIGUEZ, DANIEL SANCHEZ, MAURICIO VARELA, CONRAD VILLEGAS, RAMON PHILLIP BACA, MIGUEL ANDREW GALLEGOS, and ERIC HAYWARD HARRISON.

27. Additionally, I have learned TARGET SUBJECTS FRANCISCO PADILLA, VINCENT MARTINEZ and AMANDA CHAVEZ are in custody at the Bernalillo County Metropolitan Detention Center ("MDC").⁴

28. I have reviewed law enforcement databases, driver's license information, vehicle registration records, probation

³ The TARGET SUBJECTS currently incarcerated within the NMCD will be transported to the FBI for photographs, processing and interviews. The NMCD are partner agencies in this investigation and have agreed to transport the TARGET SUBJECTS to the FBI's prisoner processing center, located in Albuquerque.

⁴ The TARGET SUBJECTS currently incarcerated within the Bernalillo County MDC will be transported to the FBI for photographs and processing. The MDC inmates will not be interviewed, as they are presumed to be in-custody on state/local charges. The MDC is a partner agency in this investigation and has agreed to transport the TARGET SUBJECTS to the FBI's prisoner processing center, located in Albuquerque.

and parole files and other available databases, and I believe the following TARGET SUBJECTS are living at the specified residences (A-1 through A-8) listed below.⁵

SUBJECT PREMISES	TARGET SUBJECT	LOCATION	PAGES
A-1	CHRISTOPHER CHAVEZ	1322 Airway Road SW, Albuquerque, NM	3, 38-40
A-2	BILLY GARCIA	2501 Leo Road SW, Albuquerque, NM	4, 40-41
A-3	EUGENE MARTINEZ	3219 Morris Street NE #2, Albuquerque, NM	5, 41-43
A-4	LARRY VALADEZ	1224 Dolores Drive, Albuquerque, NM	6, 43-44
A-5	JARVIS JOHNSON	9600 Central Avenue SW #9, Albuquerque, NM	7, 44-45
A-6	MARCO HOLGUIN	3821 Headingly Avenue NE, Albuquerque, NM	8, 45-46
A-7	JOE GALLEGOS	04 Erin Court SW, Los Lunas, NM	9, 46-48
A-8	ALLEN PATTERSON	49 Western Drive, Silver City, NM	10, 48-49

29. Should the specified TARGET SUBJECTS not be at the described locations when the warrants are served, I request that agents be permitted to conduct a limited search of the premises

⁵ FBI agents are seeking search warrants for the residences associated with CHRISTOPHER GARCIA and MATTHEW MARTINEZ under separate affidavits and warrants, as those specific locations are believed to contain controlled substances and evidence of drug trafficking.

for items that may document, record or depict the defendant's residency and current whereabouts.

30. My training and experience indicate persons often leave evidence of their daily schedules, activities, travel patterns, appointments, planned outings, meetings, and social or business interactions in the normal course of living within their premises. Furthermore, personal calendars, appointment books, telephone books, address books, notes, notebooks, mail, photographs, phone messages, credit card receipts, credit card billing statements, bank receipts, check receipts, telephone statements, hotel or motel receipts, room keys, business cards, travel itinerary, restaurant receipts, airplane tickets and/or other notations pertaining to TARGET SUBJECT'S current whereabouts may be located in the described residence. Such information would aid FBI agents in discovering the TARGET SUBJECT's current location.

31. The specified TARGET SUBJECTS and addresses where they are believed to be living, at least on a part-time basis, are listed below. The facts and circumstances supporting the TARGETS SUBJECTS living at the corresponding location follow:

A-1 CHRISTOPHER CHAVEZ RESIDENCE

32. CHAVEZ is a documented SNM Gang member with documented gang tattoos. CHAVEZ is suspected of participating in the murder

of SNM Gang member Rolando Garza at the Southern New Mexico Correctional Facility in Las Cruces.

33. On December 1, 2015, CHAVEZ was indicted on 18 USC § 1959(a)(1) - Violent Crime in Aid of Racketeering Murder and 18 USC § 2 - Aiding and Abetting.

34. CHAVEZ has prior arrests for possession of a controlled substance, possession of a controlled substance with intent-crack cocaine, tampering with evidence (multiple arrests), criminal damage to public property, burglary/breaking and entering, unlawful taking of a motor vehicle (multiple arrests), receiving and transferring a stolen vehicle, larceny of a firearm, possession of burglary tools (multiple arrests), parole violation (multiple arrests), probation violation-graffiti (multiple arrests), aggravated battery (multiple arrests), aggravated battery with a deadly weapon (multiple arrests), aggravated assault, aggravated assault with a deadly weapon (multiple arrests), aggravated battery upon a peace officer, possession of destructive device by a felon, drug/narcotic violation (multiple arrests), eluding an officer, and resisting evading, and obstructing an officer.

35. I believe CHAVEZ is living at 1322 Airway Road SW, Albuquerque, New Mexico, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

36. Indicia of Residence

37. CHAVEZ' valid NM driver's license lists the Subject Premises as his residence.

38. Official police records list the Subject Premises as CHAVEZ' residence.

39. NMCD records indicate CHAVEZ lives at the Premises.

40. CHAVEZ has a pending case with the Bernalillo County District Attorney's Office and provided the Subject Premises as his residence of record with Pre-Trial Services.

41. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

A-2 BILLY GARCIA RESIDENCE

42. GARCIA is a documented SNM Gang member with documented gang tattoos. GARCIA is suspected of participating in the murders of SNM Gang members Frank Castillo and Rolando Garza at the Southern New Mexico Correctional Facility in Las Cruces.

43. On December 1, 2015, GARCIA was indicted on two counts of 18 USC § 1959(a)(1) - Violent Crime in Aid of Racketeering Murder and 18 USC § 2 - Aiding and Abetting.

44. GARCIA has prior arrests for assault and battery on a peace officer (multiple arrests), armed robbery (multiple arrests), residential burglary (multiple arrests), parole violation (multiple arrests), attempt to commit fourth degree felony auto burglary (multiple arrests), larceny, aggravated

burglary, kidnapping, aggravated assault, strong arm robbery, aggravated battery (multiple arrests), evading arrest, possession of drug paraphernalia and vehicular homicide.

45. I believe GARCIA is living in a travel trailer at 2501 Leo Road SW, Albuquerque, New Mexico, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

46. Indicia of Residence

47. GARCIA is currently on parole with the NMCD and the Subject Premises is his residence of record.

48. I have personally interviewed GARCIA at the Subject Premises and GARCIA identified the travel trailer on the east end of the property as his residence. Furthermore, I observed personal property belonging to GARCIA inside the trailer.

49. Official police records indicate GARCIA lives at the Subject Premises.

50. GARCIA has a pending case with the Albuquerque Metro Court and provided the Target Premises as his residence during judicial proceedings.

51. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

A-3 EUGENE MARTINEZ RESIDENCE

52. MARTINEZ is a documented SNM Gang member with documented gang tattoos. MARTINEZ is suspected of participating

in the murder of SNM Gang member Rolando Garza at the Southern New Mexico Correctional Facility in Las Cruces.

53. On December 1, 2015, MARTINEZ was indicted for violating 18 USC § 1959(a)(1) - Violent Crime in Aid of Racketeering Murder and 18 USC § 2 - Aiding and Abetting.

54. MARTINEZ has prior arrests for robbery, burglary, auto burglary (multiple arrests), aggravated auto burglary, burglary with a deadly weapon, probation violation, aggravated assault, aggravated battery, aggravated assault with a deadly weapon, bringing contraband into jail, possession of a deadly weapon (multiple arrests), possession of deadly weapon by a prisoner-shank, parole violation, armed robbery (multiple arrests), and drug/narcotic violation (multiple arrests).

55. I believe MARTINEZ is living at 3219 Morris NE #2, Albuquerque, NM, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

56. Indicia of Residence

57. Official police records list the Subject Premises as MARTINEZ' residence.

58. MARTINEZ has a pending case with the Bernalillo County District Attorney's Office that is currently in bench warrant status. MARTINEZ provided the Subject Premises as his residence of record with Pre-Trial Services.

59. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

A-4 LARRY VALADEZ RESIDENCE

60. VALADEZ is a suspected SNM Gang associate and suspected Westside Gang member with gang tattoos. VALADEZ is currently on federal supervision and sold methamphetamine and heroin to a CHS on multiple occasions in Albuquerque. On December 1, 2015, VALADEZ was indicted on several counts of 21 USC §§ 846, 841(a)(1), (b)(1)(B), (b)(1)(C), (b)(1)(B), (b)(1)(C), (b)(1)(C) - Drug Distribution and Conspiracy to Distribute.

61. VALADEZ is currently on federal probation for drug trafficking and has prior arrests for murder, conspiracy to distribute a controlled substance, trafficking a controlled substance, aggravated battery (5-counts), child abuse and inflicting injury on household member.

62. I believe VALADEZ is living at 1224 Dolores Drive, Albuquerque, New Mexico, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

63. Indicia of Residence

64. VALADEZ is currently on federal probation and the Subject Premises is his residence of record.

65. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

A-5 JARVIS JOHNSON RESIDENCE

66. JOHNSON is a firearms and drug trafficker and has served as a source of supply to local gang members. JOHNSON sold a CHS five firearms, methamphetamine, heroin and marijuana. JOHNSON also sold three firearms to an FBI undercover employee, who was posing as a Mexican firearms trafficker. JOHNSON recently discharged state parole.

67. On December 1, 2015, JOHNSON was indicted on several counts of 21 USC §§ 841(a)(1), (b)(1)(B), (b)(1)(C) - Drug Distribution and 18 USC §§ 922(g)(1), 924(a)(2) - Felon Possess Firearms.

68. JOHNSON has prior arrests for assault against a household member, criminal damage to property, criminal trespass, child endangerment, possession of a controlled substance (multiple arrests), kidnapping, bribery of a witness, battery, armed robbery, tampering with evidence, resist or evade arrest, conceal identity, obstruct an officer, indecent exposure, aggravated sexual assault and failure to appear.

69. I believe JOHNSON is living at 9600 Central Avenue SW, #9, Albuquerque, New Mexico, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

70. Indicia of Residence

71. Official police records indicate that the Subject Premises is JOHNSON's residence.

72. NMCD records indicate JOHNSON lives at the Premises.

73. JOHNSON has a pending case with the Bernalillo County District Attorney's Office and the Target Premises is listed as his residence.

74. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

A-6 MARCO HOLGUIN RESIDENCE

75. HOLGUIN is an SNM Gang associate and drug source of supply. HOLGUIN sold a CHS more than one and a half pounds of methamphetamine on two occasions and told the CHS that he could continue to obtain bulk quantities of methamphetamine. HOLGUIN is on active state parole for drug sales.

76. On December 1, 2015, HOLGUIN was indicted on two counts of 21 U.S.C. §§ 21 USC § 841(a)(1), (b)(1)(A), (b)(1)(B) - Drug Distribution.

77. HOLGUIN has prior arrests for distribution of a controlled substance and disorderly conduct.

78. I believe HOLGUIN is living at 3812 Headingly Avenue SW, Albuquerque, New Mexico, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

79. Indicia of Residence

80. HOLGUIN is on active state parole and the Subject Premises is his residence of record with the NMCD.

81. Official police records list the Subject Premises as HOLGUIN's residence.

82. Surveillance agents observed HOLGUIN return to the Subject Premises following the controlled methamphetamine buys with the CHS.

83. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

A-7 JOE GALLEGOS RESIDENCE

84. GALLEGOS is a documented SNM Gang member with documented gang tattoos. GALLEGOS is suspected of participating in the murder of SNM Gang member Frank Castillo at the Southern New Mexico Correctional Facility in Las Cruces.

85. On December 1, 2015, GALLEGOS was indicted on 18 USC § 1959(a)(1) - Violent Crime in Aid of Racketeering Murder and 18 USC § 2 - Aiding and Abetting.

86. GALLEGOS has prior arrests for murder, aggravated robbery, aggravated battery, receiving stolen property, criminal damage to property, possession of explosives, aggravated assault with a deadly weapon, shooting at a dwelling, shooting from a vehicle, aggravated burglary, contributing to the delinquency of a minor, felon possess firearm, resist or obstruct an officer,

elude arrest, possess controlled substances, assault prison guard, probation violations, failure to appear and various traffic violations.

87. I have spoken with detectives with the New Mexico State Police and am aware GALLEGOS is a suspect in a 2012 homicide in Socorro County in which the victim was shot multiple times, placed inside a vehicle and the victim and vehicle were set on fire.

88. I believe GALLEGOS is living at 04 Erin Street NW, Los Lunas, New Mexico, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

89. Indicia of Residence

90. GALLEGOS' valid driver's license lists the Subject Premises as his residence.

91. Official police records list the Subject Premises as GALLEGOS' residence.

92. NMCD records indicate GALLEGOS lives at the Premises.

93. GALLEGOS applied for social services assistance in July 2015 and listed the Subject Premises as his residence on the application.

94. New Mexico State Police homicide investigators noted GALLEGOS to reside at the Subject Premises.

95. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

A-8 ALLEN PATTERSON

96. PATTERSON is a documented SNM Gang member with documented gang tattoos. PATTERSON is suspected of participating in the murder of SNM Gang member Rolando Garza at the Southern New Mexico Correctional Facility in Las Cruces.

97. On December 1, 2015, PATTERSON was indicted on 18 USC § 1959(a)(1) - Violent Crime in Aid of Racketeering Murder and 18 USC § 2 - Aiding and Abetting.

98. PATTERSON has prior arrests for murder, aggravated battery, resist or evade arrest, shooting at a dwelling or occupied building, tampering with evidence, battery on a household member, DUI, probation violations, and failure to appear.

99. I have spoken with Deputy United States Marshal (DUSM) Andres Medina, who is assisting me in locating PATTERSON. DUSM Medina works in the Silver City area on a frequent basis and is familiar with the Subject Premises. DUSM Medina has observed PATTERSON at the Subject Premises in the past. DUSM Medina has a Confidential Reliable Informant (CRI) that lives in the area and the CRI has known PATTERSON for several years. The CRI confirmed that PATTERSON currently lives at the Premises.

100. I believe PATTERSON is living at 49 Western Drive, Silver City, New Mexico, in a full or part time capacity and that he will be found at the location or evidence of his current whereabouts may be found at the residence.

101. Indicia of Residence

102. PATTERSON's valid driver's license lists the Subject Premises as his residence.

103. Official police records list the Subject Premises as PATTERSON's residence.

104. NMCD records indicate PATTERSON lives at the Subject Premises.

105. DUSM Medina has observed PATTERSON at the location in the past. Furthermore, a CRI who works for DUSM Medina knows PATTERSON to reside at the Subject Premises.

106. A color photograph of the Subject Premises has been attached and incorporated in Attachment A.

SEARCHING FOR TATTOOS

107. I am aware that many of the county jails within the District of New Mexico photograph and document the tattoos, scars and other distinguishable markings on a person's body when they are booked into jail. I also know that the NMCD conduct a similar intake procedure with newly arriving prisoners, to include the photographing of tattoos. Rather than relying on a local jail facility to potentially photograph and provide such

photos to the FBI, I am seeking the courts permission to utilize FBI photographers to photograph and document the TARGET SUBJECTS tattoos at the time of arrest. Such photo documentation would help me positively identify subjects and better document and determine their gang affiliation.

108. I am aware that some of the tattoos evidencing membership in or association with the SNM Gang include, but not limited to: the letters "SNM," "S," the numbers "19," "505," the Zia symbol, the words "Syndicato de Nuevo Mexico," "Syndicato," "Syndicate," "New Mexico," "Duke City," "Albuquerque," "Burque," the Peacock bird, the Albuquerque skyline, or the outline of the State of New Mexico.

Tattoos Evidencing Membership in the SNM Gang :

109. I know that members and associates of SNM Gang commonly have tattoos to represent their dedication to the criminal enterprise, to gain respect within the enterprise, and to intimate community members, in an effort to prevent them from cooperating with law enforcement or from otherwise impeding the goals of the criminal enterprise

110. As described in the previous section, the SNM Gang operates with a strictly enforced "blood in, blood out" rule. Unless otherwise specified, I have no information that any of the TARGET SUBJECTS who is a validated member of SNM Gang has disavowed the gang. Consequently, based on my training and

experience, I believe that all TARGET SUBJECTS who are members of SNM Gang are still active members of that gang.

111. Indeed law enforcement records I have reviewed in this case indicate that many of the defendants named in the indictment have been observed having tattoos evidencing membership in and association with the SNM Gang.

112. **Exhibit 1** contains several examples of SNM Gang tattoos found on some of the TARGET SUBJECTS. Additional reports I have reviewed indicate that law enforcement and/or corrections officials have observed SNM Gang related tattoos on JAVIER ALONSO, GERALD ARCHULETA, JERRY ARMENTA, ANTHONY BACA, DAVID CALBERT, CHRISTOPHER CHAVEZ, ROBERT MARTINEZ, ROY MARTINEZ, JERRY MONTOYA, MARIO RODRIGUEZ, CONRAD VILLEGAS, ERIC HARRISON, and MATTHEW MARTINEZ.

Tattoos Evidencing Association with the SNM Gang :

113. I am aware that the SNM Gang employs and associates with a vast network of practiced criminals and lower-level street gang members. I should note that not all of the TARGET SUBJECTS named in this affidavit are SNM Gang members. In fact, I believe only 28 of the 38 TARGET SUBJECTS are members of the SNM Gang. The remaining 10 subjects (TAMMY LIEBERG, GABRIEL SANDOVAL, JOHHNY RAMIREZ, LARRY VALADEZ, RAMON PHILLIP BACA, MARCO HOLGUIN, FRANCISCO PADILLA, VINCENT MARTINEZ, BENJAMIN SANCHEZ and AMANDA CHAVEZ) are charged with federal drug and/or

firearms violations - all of which may be used as predicate offenses in subsequent RICO conspiracy charges. I have not specified every detail of the FBI investigation of the SNM Gang, nor have I provided information as to the future investigative goals of the FBI as they pertain to the TARGET SUBJECTS.

114. I believe GABRIEL SANDOVAL and LARRY VALADEZ to be members of the Westside street gang, which I know to be a support, or "feeder," gang to the SNM Gang. I am aware that both subjects have several tattoos.

115. My investigation of FRANCISCO PADILLA indicated that he was a source of supply for firearms to one or more members of the SNM Gang. I am aware that PADILLA has several tattoos.

116. My investigation of MARCO HOLGUIN indicated that he served as a methamphetamine source of supply to one or more members of the SNM Gang. Furthermore, MARCO HOLGUIN represented himself as having Mexican drug cartel connections that could supply him with bulk quantities of pure methamphetamine from Mexico. I believe HOLGUIN has tattoos on his person.

117. RAMON PHILLIP BACA is well known to the FBI and local gang investigators and is a suspected member of "Los Padillas" gang; which has a long history of supporting and working with the SNM Gang. BACA's current affiliation with the SNM Gang is unknown; however I am aware that BACA has several tattoos.

118. I believe JOHNNY RAMIREZ (a co-defendant in the indictment charging LARRY VALADEZ) to be an Albuquerque-based gang member; however I am unsure as to the particular gang he may belong to. I am aware that RAMIREZ has dozens of tattoos on his face, neck, chest, back and arms and I would like FBI agents to more closely examine his tattoos and specific gang affiliation.

119. I am unaware of BENJAMIN SANCHEZ' specific gang affiliation; however I know him to be an associate of the SNM Gang. SANCHEZ is suspected of having participated in criminal acts with SNM Gang members in the past. I know SANCHEZ to have several tattoos on his body and would like FBI agents to more closely examine them.

120. I am unaware of VINCENT MARTINEZ' specific gang affiliation; however I know him to have dozens of tattoos on his arms, chest and legs. MARTINEZ is a suspect in several armed robberies in the Albuquerque area in which different angles of his body and photographs of some of his tattoos were captured on surveillance footage. The Albuquerque Police Department, Bernalillo County Sheriff's Office, and FBI are investigating the armed robberies and the FBI made a recommendation to the United States Attorney's Office to charge VINCENT MARTINEZ with a violation of the Hobbs Act (18 U.S.C. § 1951) which prohibits actual or attempted robbery affecting interstate or foreign

commerce. I would like FBI agents to closely examine and photograph MARTINEZ' tattoos in furtherance of determining his gang association and furthering the robbery investigations.

121. I am aware that gang members often place tattoos in prominent locations on their bodies and that gang members are repeatedly arrested. Given the communal environment of prisons and jails, gang members often display their tattoos to others as a show of force, or to intimidate others. A secondary purpose of getting gang tattoos is to display one's history and status within the gang. I am also aware that gang members use tattoos to communicate their membership, rank, accomplishments and longevity in the gang. I believe a great deal of information may be discerned from the observation and documentation of gang tattoos.

122. Because (a) the reports and photographs I have reviewed are historical, and (b) I know that members and associates may have obtained additional tattoos since the time they were last observed by law enforcement (or have tattoos that have never been observed by law enforcement); and based on (c) my knowledge of the significance of gang tattoos as set forth above; and (d) the probable cause finding by the Grand Jury that, as set forth in the Indictments, several of the TARGET SUBJECTS were members or associates of the SNM Gang, and conspired to conduct the affairs of the SNM Gang through a

pattern of racketeering activity; and (e) the FBI's racketeering investigation into this matter is on-going; I seek a warrant permitting law enforcement to search the bodies of the TARGET SUBJECTS for tattoos evidencing membership in or association with the SNM Gang (and affiliated New Mexico gangs) as follows:

- a. Law enforcement may search for tattoos above the waist and below mid-thigh (only male TARGET SUBJECTS will be searched for tattoos).

123. The TARGET SUBJECTS to be photographed are: JAVIER ALONSO, GERALD ARCHULETA, JERRY ARMENTA, ANTHONY RAY BACA, DAVID CALBERT, CHRISTOPHER CHAVEZ, BENJAMIN CLARK, ANGEL DELEON, JOE GALLEGOS, ARTURO ARNULFO GARCIA, BILLY GARCIA, RUBEN HERNANDEZ, LEONARD LUJAN, EUGENE MARTINEZ, ROBERT MARTINEZ, ROY PAUL MARTINEZ, TIMOTHY MARTINEZ, JERRY MONTOYA, ALLEN PATTERSON, MARIO RODRIGUEZ, DANIEL SANCHEZ, EDWARD TROUP, MAURICIO VARELA, CONRAD VILLEGAS, MIGUEL ANDREW GALLEGOS, ERIC HAYWARD HARRISON, CHRISTOPHER GARCIA, MATTHEW MARTINEZ, GABRIEL SANDOVAL, JOHNNY RAMIREZ, LARRY VALADEZ, RAMON PHILLIP BACA, MARCO HOLGUIN, FRANCISCO PADILLA, VINCENT MARTINEZ, and BENJAMIN SANCHEZ.

REQUEST FOR NIGHT SERVICE

124. The search warrants requested herein will be served concurrent with several other related search and arrest warrants in the area. Agents and officers will be attempting to arrest approximately 45 subjects in closely coordinated and

simultaneous tactical operations. Contemporaneous with the FBI operation to arrest the TARGET SUBJECTS, state parole agents and gang officers from the Albuquerque Police Department and New Mexico State Police will be conducting approximately 55 home visits and searches on known SNM Gang members and associates who are on active state parole or probation with search clauses.

125. Approximately 200 SNM Gang members and associates confined within the New Mexico state prisons will also be searched by NMCD staff pursuant to the department's policy and regulations.

126. A great deal of coordination must take place in order to safely and efficiently conduct the described operations. I am requesting the Court authorize the FBI and state/local law enforcement officers to serve these warrants during the nighttime, as set forth under Fed. R. Crim. Proc. 41(e) (2) (A) (ii). Good cause exists because the above target locations are associated with individuals who are members of, or associates of, a violent gang with a history of murderous activities, assaults on police officers, reprisals against rivals, counter-surveillance against law enforcement, ongoing and repeated criminal activity and firearms possession. I believe the TARGET SUBJECTS to be extremely dangerous and have requested six FBI Special Weapons and Tactics (SWAT) teams and SWAT teams from the

New Mexico State Police and Bernalillo County Sheriff's Office to assist with the service of the requested warrants.

127. Additionally, the locations to be searched are located in residential neighborhoods. I know it will be safer for FBI agents and police officers to approach the houses under cover of darkness to prevent being seen by the TARGET SUBJECTS or their neighbors, and therefore to minimize their efforts to evade detection by law enforcement, or warn potential targets of the presence of law enforcement prior to the execution of search and arrest warrants. There is less vehicular and pedestrian traffic near the target locations during the night, thus reducing the risk to civilians if any shots are fired by the TARGET SUBJECTS. Therefore, I am requesting authorization to serve search warrants at the Subject Premises at any time of the day or night.

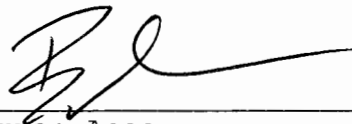
CONCLUSION

128. Based on the aforementioned information and investigation, I believe I have substantial cause to believe the above TARGET SUBJECTS will be at the specified premises when the warrants are served and that the listed TARGET SUBJECTS may have specific tattoos identifying their gang affiliation. Therefore, I submit that this affidavit supports probable cause for a warrant to search the specified premises and persons described

in Attachment A and seize the persons or items described in Attachment B.

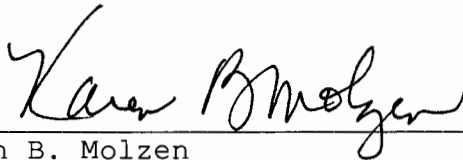
129. This affidavit has been reviewed by FBI Associate Division Counsel Anthony J. Costanza and Assistant United States Attorneys Maria Armijo, Randy Castellano, and Shana Long of the District of New Mexico.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Acee', written over a horizontal line.

Bryan Acee
FBI Special Agent

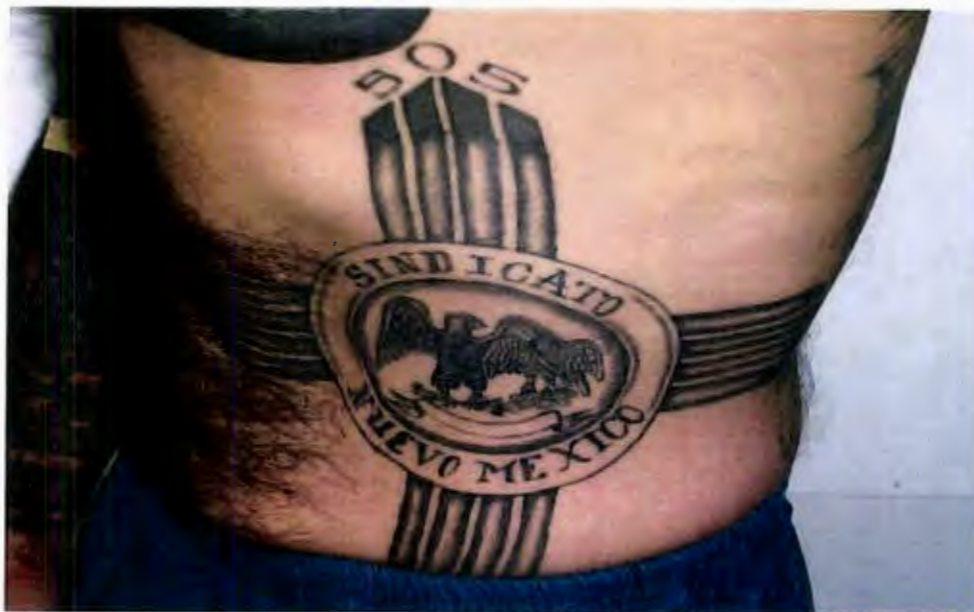
Subscribed and sworn to before me on December 2, 2015:

A handwritten signature in black ink, appearing to read 'Karen B. Molzen', written over a horizontal line.

Karen B. Molzen
United States Magistrate Judge

EXHIBIT 1

Sample SNM Gang Tattoos



Krom

EXHIBIT 1

Sample SNM Gang Tattoos



Kom

EXHIBIT 1

Sample SNM Gang Tattoos



KBM